REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claim 25 is amended. Applicants respectfully submit that no new matter has been added to the application. Claims 6, 7, and 17 were canceled in a previous response. After amending the claims as set forth above, Claims 1-5, 8-16, and 18-60 are now pending in this application.

I.   Claim Rejections Under 35 U.S.C. § 101

In section 2 of the Office Action, Claim 25 was rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Examiner states that "Claim 25 lacks the proper preamble necessary for a statutory computer program claims." Applicants have amended Claim 25 to recite "[a] computer-readable medium having computer-readable instructions stored thereon that, upon execution by a processor, cause the processor to ...." Applicants respectfully submit that Claim 25 is now in compliance with 35 U.S.C. § 101. As such, Applicants respectfully request withdrawal of the rejection.

II.   Claim Rejections Under 35 U.S.C. § 103(a)

In section 4 of the Office Action, Claims 1-5, 8-13, 18, 19, and 24-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0039270 to Chang et al. (hereinafter "Chang") in view of United States Patent Application Publication No. 20060098688 to Parkvall et al. (hereinafter "Parkvall"). Applicants respectfully traverse the rejection.

Claims 1, 25, 27, 38, and 49 recite a "current transmission" which includes "a predetermined bit pattern that **indicates whether** control information in the current transmission **can be used alone for decoding, or whether** at least a portion of control information from an **earlier transmission must also be used** for the decoding." (Emphasis added). Applicants respectfully submit that, alone or in combination, Chang and Parkvall fail to teach, suggest, or describe such elements.

Chang discloses a "signaling method between a MAC ... layer entity of a transmission apparatus and a MAC layer entity of a reception apparatus in a packet communication system ...." (Abstract). Chang also discloses "transmitting a MAC signaling message including control information and a signaling indication indicating transmission of the control information ...." (Paragraph [0033]). Chang further discloses that "a MAC header according to ... the present invention has a MAC signaling indication field .... [I]f the indication bit is '0', it indicates a conventional MAC PDU. However, if the indication bit is '1', MAC SDU ... is comprised of only control information for MAC signaling." (Paragraph [0063].) Thus, Chang discloses a signaling indication which indicates the presence of control information in a MAC signaling message. However, Chang does not teach, suggest, or describe a "predetermined bit pattern" that "indicates **whether control information in the current transmission can be used alone** for decoding" "**or whether at least a portion of control information from an earlier transmission must also be used**" for the decoding, as recited in Claims 1, 25, 27, 38, and 49. (Emphasis added.) Applicants respectfully submit that indicating the presence of control information is not the same as providing an indication of whether control information in a current transmission can be used alone to decode a transport channel. Further, indicating the presence of control information is not the same as providing an indication that at least a portion of control information from an earlier transmission must be used to decode the transport channel.

In section 4 of the Office Action, the Examiner acknowledges that "Chang does not specifically teach whether control information in the current transmission can be used alone for decoding a transport channel." However, the Examiner indicates that Parkvall discloses such an element. Applicants respectfully disagree. Parkvall is directed toward "a backward compatible channel structure allowing for shorter than existing transmission time intervals." (Paragraph [0048]). The shorter time interval is provided by use of "a corresponding sub-frame, shorter than that existing, [and] requiring a new structure on the physical channel." (Paragraph [0066]). To obtain the new structure on the physical channel, Parkvall discloses that "a radio frame according to the preferred embodiment of the invention is divided into an integer number of equally sized sub-frames, each sub-frame comprising an integer number of slots." (Paragraph [0068]). Parkvall goes on to disclose that "[a]ccording to the preferred

embodiment ..., TFCI$_{sf}$, is included in every transmitted sub-frame of DPCCH." (Paragraph [0070]). "Data transmitted in the sub-frame on DPDCH ... is decoded using TFCI$_{sf}$ information and forwarded to higher layers." (Paragraph [0074]).

Thus, Parkvall discloses a system for reducing transmission time intervals in which radio frames are subdivided into a plurality of sub-frames. Each sub-frame includes a TFCI$_{sf}$ for decoding data transmitted in the sub-frame. Applicants respectfully submit that using a TFCI in a sub-frame to decode data is not the same as a "predetermined bit pattern" which "indicates whether control information in the current transmission **can be used alone** for decoding," as recited in Claims 1, 25, 27, 38, and 49. (Emphasis added). Applicants also respectfully submit that using a TFCI in a sub-frame to decode data is not the same as a "predetermined bit pattern" which "indicates ... whether at least a portion of control information from an earlier transmission **must also be used for the decoding**," as recited in Claims 1, 25, 27, 38, and 49. (Emphasis added). As discussed above, Parkvall discloses a TFCI$_{sf}$ bit for decoding data in a current transmission. Parkvall fails to teach or suggest any indication of whether the TFCI$_{sf}$ bit can be used alone for decoding or whether control information from an earlier transmission must also be used for the decoding. It follows that the combination of Chang and Parkvall fails to teach or suggest a "predetermined bit pattern that indicates whether control information in the current transmission can be used alone for decoding, or whether at least a portion of control information from an earlier transmission must also be used for the decoding," as recited in Claims 1, 25, 27, 38, and 49.

For at least these reasons, Applicants respectfully submit that the combination of Chang and Parkvall do not teach each of the elements recited in Claims 1, 25, 27, 38, and 49. Applicants respectfully request withdrawal of the rejection of Claims 1, 25, 27, 38, and 49. For at least the same reasons, Applicants request withdrawal of the rejection of dependent Claims 2-5, 8-13, 18, 19, 24, 26, 28-37, 39-48, and 50-60.

III.   Allowable Subject Matter

In section 5 of the Office Action, the Examiner states that "Claims 14-16 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any

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intervening claims. Applicants thank the Examiner for noting the allowable subject matter. However, as discussed above, Applicants respectfully submit that Claim 1 is in condition for allowance. As such, Applicants submit that Claims 14-16 and 20-23, which depend from Claim 1, are also in condition for allowance. Applicants respectfully request withdrawal of the objection to Claims 14-16 and 20-23.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.
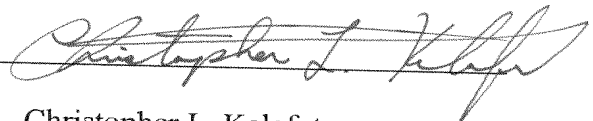
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>December 18, 2007</u>

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